

SHINE *v.* FOX BROTHERS MANUFACTURING COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MISSOURI.

No. 383. Motion to dismiss submitted February 21, 1910.—Decided March 7, 1910.

A direct appeal from the Circuit Court dismissed without opinion for want of jurisdiction.

Appeal from 156 Fed. Rep. 357, dismissed.

THE motion to dismiss was made on the ground that this court is without jurisdiction of the appeal, for the reason that the jurisdiction of the court below rested on the diversity of citizenship of the parties, and no constitutional or other question was properly presented in the court below so as to confer jurisdiction of the appeal upon this court.

Mr. Shepard Barclay, Mr. Thomas T. Fauntleroy, and Mr. Cornelius H. Fauntleroy for the appellants.

Mr. Herbert R. Marlatt, Mr. George S. Johnson, Mr. George M. Block and Mr. Frank H. Sullivan for the appellee.

Per Curiam. In the circumstances disclosed by this record we are of opinion that a direct appeal does not lie to this court from the decree of the Circuit Court, and the appeal is therefore dismissed.